



February 18, 2022

VIA E-FILING

The Honorable Maryellen Noreika
J. Caleb Boggs Federal Building
844 N. King Street
Unit 19, Room 4324
Wilmington, DE 19801-3555

Re: *Bocker. et al. v. Hartzell Engine Technologies LLC, et al.*
C.A. No. 21-cv-1174-MN

Dear Judge Noreika:

On behalf of the Plaintiffs, we write to address two issues concerning the proposed Scheduling Order (D.I. 21) submitted on behalf of the parties today.

First, regarding the number of motions *in limine*, the proposed Scheduling Order provides nine per party. Defendants initially proposed altering the Court's form to 15 per party, and Plaintiffs proposed no alteration to the form allowing three motions. A compromise of 9 is reflected in the proposed Scheduling Order along with an increase in the page limit.

Second, we reviewed Ms. Brooks' correspondence this afternoon concerning this joint submission, which accuses Plaintiffs of attempting to sidestep the laws governing the companion action in New York regarding a stay of discovery. This accusation is without merit. After Continental filed its motion to dismiss and/or stay this matter (D.I. 13), Plaintiffs' counsel attempted to confer with counsel for Continental about filing a stipulation staying this matter pending resolution of the New York motion to dismiss. Continental rejected this offer. Bewildered that Continental would not agree to the very relief it sought, Plaintiffs then endorsed this request in their response to the motion to dismiss. (D.I. 17). At no point was there any effort by Plaintiffs to sidestep any New York provision. Rather, the joint proposed Scheduling Order (D.I. 21) was ordered by the Court on January 19, 2022 (D.I. 20).

We are available at the Court's convenience should Your Honor have any questions.

Respectfully submitted,

/s/ Brian E. Farnan

Brian E. Farnan

cc: Counsel of Record (Via E-Filing)